



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Minutes  
a) July 18, 2007 (Regular Meeting)  
b) July 24, 2007 (Special Joint Shirtsleeve Session w/Lodi Budget/Finance Committee)  
c) July 31, 2007 (Shirtsleeve Session)  
d) August 1, 2007 (Regular Meeting)  
e) August 3, 2007 (Special Meeting)  
f) August 7, 2007 (Shirtsleeve Session)

**MEETING DATE:** August 15, 2007

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Approve the following minutes as prepared:  
a) July 18, 2007 (Regular Meeting)  
b) July 24, 2007 (Special Joint Shirtsleeve Session w/Lodi Budget/Finance Committee)  
c) July 31, 2007 (Shirtsleeve Session)  
d) August 1, 2007 (Regular Meeting)  
e) August 3, 2007 (Special Meeting)  
f) August 7, 2007 (Shirtsleeve Session)

**BACKGROUND INFORMATION:** Attached are copies of the subject minutes, marked Exhibits A through F.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

RJ/JMP

Attachments

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APPROVED: \_\_\_\_\_  
Blair King, City Manager

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JULY 18, 2007**

**C-1     CALL TO ORDER / ROLL CALL**

The City Council Closed Session meeting of July 18, 2007, was called to order by Mayor Johnson at 6:00 p.m.

Present: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – Hitchcock

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

**C-2     ANNOUNCEMENT OF CLOSED SESSION**

- a) Actual Litigation: Government Code §54956.9(a); One Case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al., United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual Litigation: Government Code §54956.9(a); One Case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Actual Litigation: Government Code §54956.9(a); One Case; City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al., San Francisco Superior Court, Case No. CGC-05-441976
- d) Conference with Blair King, City Manager, and Jim Krueger, Deputy City Manager (Acting Labor Negotiators), Regarding Police Mid-Managers Pursuant to Government Code §54957.6

**C-3     ADJOURN TO CLOSED SESSION**

At 6:00 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:52 p.m.

**C-4     RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 7:03 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Items C-2 (a), C-2 (b), C-2 (c), and C-2 (d), only settlement discussion and direction was given.

**A.     CALL TO ORDER / ROLL CALL**

The Regular City Council meeting of July 18, 2007, was called to order by Mayor Johnson at 7:03 p.m.

Present: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – Hitchcock

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

**B.     INVOCATION**

The invocation was given by Pastor Tracy Baerg, Fairmont Seventh Day Adventist Church.

**C.     PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Johnson.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Johnson presented a proclamation to David Akin, member of the Parks and Recreation Commission, proclaiming the month of July 2007 as “Parks and Recreation Month” in the City of Lodi.

D-3 (a) Corinne Casey and Jonathan Newman with the Greater Lodi Area Youth Commission gave a quarterly update on the Commission’s activities and accomplishments.

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Mounce, Katzakian second, approved the following items hereinafter set forth by the vote shown below:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

E-1 Claims were approved in the amount of \$9,003,184.65.

E-2 The minutes of June 19, 2007 (Shirtsleeve Session), June 20, 2007 (Regular Meeting), June 26, 2007 (Shirtsleeve Session), June 26, 2007 (Special Meeting), June 29, 2007 (Special Meeting), July 3, 2007 (Shirtsleeve Session), July 4, 2007 (Regular Meeting), and July 10, 2007 (Shirtsleeve Session) were approved as written.

E-3 Adopted Resolution No. 2007-123 approving the plans and specifications, authorizing advertisement for bids, and authorizing the City Manager to award or reject contract for Turner Road Overlay and Lower Sacramento Road Widening.

E-4 “Approve Request for Proposals to Provide Professional Services for Preliminary Engineering Work on the Westside Substation” was ***pulled from the agenda by the City Manager.***

E-5 Adopted Resolution No. 2007-124 authorizing the procurement of remote terminal unit and accessories from Geo Honn Company, Inc., of Vacaville, CA, for the McLane Substation in an amount not to exceed \$21,000.

E-6 Adopted Resolution No. 2007-125 authorizing the purchase of replacement for AS400 mid-range computer from Logical Design Inc., of Rancho Cordova, CA, in the amount of \$142,765.

E-7 Adopted Resolution No. 2007-126 authorizing the replacement of damaged street sweeper and authorizing the City Manager to execute contract and possible grant agreements and appropriate funds in the amount of \$248,000.

E-8 Adopted Resolution No. 2007-127 approving the purchase of nine copy machines and contract for maintenance services for various departments from IKON Office Solutions and appropriating funds in the amount of \$131,077 from the Streets, Wastewater, and Equipment Replacement Funds.

E-9 Adopted Resolution No. 2007-128 acknowledging award of Air Resources Board Reimbursement Grant in the amount of \$69,606; approving backhoe purchase from Papé Machinery, Inc., of French Camp, in the amount of \$73,313; approving purchase and installation of Cleaire Emissions Reduction Device in accordance with grant funding requirements in the amount of \$14,770; and appropriating funds in the amount of \$88,083.

- E-10 Adopted Resolution No. 2007-129 awarding the contract for Asphalt Rubber Cape Seal, Various Streets, 2007 Project to International Surfacing Systems, Inc., of Modesto, in the amount of \$399,432.68, and appropriating additional funds in the amount of \$75,000.
- E-11 Accepted improvements under the "Lockeford Street and Sacramento Street Signal and Lighting Project" contract.
- E-12 Accepted improvements under the "Well 28 Pump and Motor and Site Improvements Project, 2800 West Kettleman Lane" contract.
- E-13 Accepted improvements under the "Church Street and Sacramento Street Overlays 2006 Project" contract.
- E-14 Adopted Resolution No. 2007-130 authorizing the City Manager to execute extensions of janitorial services contracts with Korean Professional Building Maintenance in the amount of \$11,323 per month and Advanced Property Services in the amount of \$2,171 per month and to negotiate and execute future extensions and additions as needed.
- E-15 Adopted Resolution No. 2007-131 authorizing the City Manager to execute contract for downtown parking lot deaning with United Cerebral Palsy of San Joaquin and Amador Counties, of Stockton, for fiscal year 2007-08 in the amount of \$38,874.
- E-16 "Adopt Resolution Authorizing the City Manager to Execute Addendum to the Improvement Agreement for Public Improvements at 495 North Guild Avenue to Provide One-Year Time Extension" was ***removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***
- E-17 Adopted Resolution No. 2007-132 authorizing the City Manager to enter into a Fee Payment Agreement for sewer capacity fees for a groundwater cleanup project located at Flame Mini Mart, 1301 West Kettleman Lane.
- E-18 Adopted Resolution No. 2007-133 approving contract in the amount of \$425,822 with Lodi Unified School District and the City of Lodi Parks and Recreation Department to provide After School Education and Safety Program at eight locations during fiscal year 2007-08.
- E-19 Adopted Resolution No. 2007-134 amending Memorandums of Understanding with Maintenance and Operators and General Services bargaining units of the Association of Lodi City Employees to provide additional pay for State required certifications of Distribution Operators I and II.
- E-20 Received corrected pages to the fiscal year 2007-08 budget document related to summary of positions and position changes.
- E-21 Adopted Resolution No. 2007-135 declaring that any person while performing voluntary service(s) for the City of Lodi shall be deemed an employee of the City of Lodi for purposes of Workers' Compensation benefits pursuant to Division 4 of the California Labor Code.
- E-22 Adopted Resolution No. 2007-136 amending the City of Lodi Drug Free Workplace Policy and Procedure and adopted Resolution No. 2007-137 amending the Drug and Alcohol Policy and Procedures to meet Department of Transportation requirements.
- E-23 Adopted Resolution No. 2007-138 amending Transit Policy and Procedure for use of transit service outside of regular operations.

- E-24 Adopted Resolution No. 2007-139 authorizing transit services outside of regular service operations for the listed annual events and authorizing the Transportation Manager to advertise to determine if a willing and/or able provider exists for these events.
- E-25 Adopted Resolution No. 2007-140 amending Traffic Resolution 97-148 establishing Loma Drive between Lockeford Street and Turner Road as a through street.
- E-26 Adopted Resolution No. 2007-141 approving the People Assisting Lodi Shelter (PALS) public art project, as approved by the Lodi Art Advisory Board, and appropriating \$58,000 from the Art in Public Places Fund.
- E-27 "Adopt Resolution Approving the Execution by the City Manager of a \$245,000 Promissory Note Payable to James E. Dean as Surviving Trustee of the James E. Dean Family Trust with Interest of 6% and Interest Only Payments to be Made on a Quarterly Basis" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-28 Consented to continued representation of the City of Lodi and Northern California Power Agency by Meyers Nave for the CT1 Project sale from Lodi to Roseville.
- E-29 Accepted dedication of agricultural easement as required by Exhibit K to the Development Agreements between the City of Lodi and Frontier Community Builders, Inc. (FCB) for the FCB Southwest Gateway Project and the FCB Westside Project.
- E-30 Authorized the City Manager to execute Indemnity Agreement with GREM and Caltrans in connection with the Lowe's project on Kettleman Lane.
- E-31 "Adopt Resolution Approving the City of Lodi Internet Website Policy" was **pulled from the agenda by the City Manager.**
- E-32 "Set Public Hearing for August 1, 2007, to consider the Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**

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#### ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-16 "Adopt Resolution Authorizing the City Manager to Execute Addendum to the Improvement Agreement for Public Improvements at 495 North Guild Avenue to Provide One-Year Time Extension"

In response to Mayor Pro Tempore Mounce, Public Works Director Prima stated he is not sure of how many developers have not met the deadline other than one. Mr. Prima stated they are tracking the timeline a bit closer, the project is almost complete, it is not affecting the traveling public, and a year delay seems to be standard for operating purposes.

#### MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Hansen second, adopted Resolution No. 2007-142 authorizing the City Manager to execute Addendum to the Improvement Agreement for Public Improvements at 495 North Guild Avenue to provide one-year time extension and authorizing the City Manager to execute the agreement on behalf of the City. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, and Mayor Johnson

Noes: Council Members – Mounce

Absent: Council Members – Hitchcock

- E-27 "Adopt Resolution Approving the Execution by the City Manager of a \$245,000 Promissory Note Payable to James E. Dean as Surviving Trustee of the James E. Dean Family Trust with Interest of 6% and Interest Only Payments to be Made on a Quarterly Basis"

In response to Mayor Pro Tempore Mounce, Deputy City Manager Krueger stated the promissory note was carried for five years. Mayor Pro Tempore Mounce suggested the note be paid off as soon as practicable.

In response to Council Member Hansen, Mr. Krueger stated the trustee has requested the note be extended after the original five-year period expired. City Manager King stated the interest rate is competitive, cash flow is sufficient, and the arbitrage ability is good.

Mayor Pro Tempore Mounce requested the note be paid as quickly as possible or spread out equally over the course of several years.

In response to Council Member Hansen, Mr. Krueger stated, from a cash flow standpoint and the fact that the cost is negated by the arbitrage, staff is fine with the recommended extension.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Katzakian second, adopted Resolution No. 2007-143 approving the execution by the City Manager of a \$245,000 promissory note payable to James E. Dean as surviving trustee of the James E. Dean Family Trust with interest of 6% and interest only payments to be made on a quarterly basis. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, and Mayor Johnson

Noes: Council Members – Mounce

Absent: Council Members – Hitchcock

- E-32 "Set Public Hearing for August 1, 2007, to consider the Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan"

Kathy Haring requested the City Attorney review the language concerning competitive years in the ordinance prior to the public hearing.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Mounce second, set Public Hearing for August 1, 2007, to consider the Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Jennelle Bechtold of Waste Management provided an overview of the hazardous waste drop-off event scheduled for the weekend.
- Ann Cerney commended the City on its action on Item No. E-29, stating it is the first time property has been received in the County under the given situation.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Mayor Pro Tempore Mounce reported on her attendance at the Lodi Youth Commission and Affordable Housing Proposal Review Committee meetings. She also reported on the campaign to keep kids alive and the Lodi Historical Society ice cream social event.

- Council Member Hansen reported on the San Joaquin Partnership meeting with Ken Vogel, Northern California Power Agency meeting with Jim Polk regarding the Lodi Project, and concerns regarding Waste Management overflow on trucks.
- Mayor Johnson reminded the public of the special redevelopment meeting to be held on July 19, 2007, at the Lodi Boys & Girls Club.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King stated the special redevelopment meeting will be replayed and staff will disseminate information regarding National Night Out. Mr. King also reviewed a utility rate comparison.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider introduction of an ordinance amending the Lodi Municipal Code Title 9 – Public Peace, Morals, and Welfare – repealing Chapter 9.18, “Selling on Streets and Sidewalks,” in its entirety and reenacting Chapter 9.18 as “Vending on Streets, Sidewalks, and Private Property” to create comprehensive regulations for mobile food vendors and itinerant merchants.

Mayor Johnson provided introductory comments regarding the process associated with the public hearing. City staff member Araseli Del Castillo translated the same in Spanish.

Community Improvement Manager Joseph Wood provided an overview of the proposed ordinance. Specific topics of discussion included the vendors affected, requirements for obtaining a permit, location regulations and restrictions, condition requirements and appearance of sites and food vending vehicles, and sanitation. This information was also translated into Spanish.

In response to Council Member Hansen, Mr. Wood stated the enforcement procedure for violations by itinerant merchants includes the administrative citation process and criminal enforcement for three or more violations.

Hearing Opened to the Public

- Attorney David LeBeouf, representing a group of mobile food vendor business owners in Lodi, spoke of his concerns regarding the proposed ordinance. He specifically discussed the perception of the owners, staff dealings, client operations on private rights-of-way, 200-foot buffer zone, need for additional information, hours of operation, guidelines for conditional use permits, client concerns, residential areas, and further clarifications of the proposed ordinance.

In response to Mayor Johnson, Mr. LeBeouf stated he is not sure if there is a group that would not agree with his previous comments because he represents a small group of individuals who operate on private property only.

In response to Council Member Hansen, Mr. Wood stated the site and issue specific portion of the use permit and ordinance will address various situations.

City Attorney Schwabauer suggested language could be added to Section 9, stating that the conditions applied to the use permit will not be imposed to prohibit the business from effectively operating at all.

- Gregory Chadit spoke in support of the mobile food vendors, stating he utilizes their services.
- Dennis Norton spoke in support of the mobile food vendors.

- Maria Lopez spoke in favor of the proposed ordinance and mobile food vendors, but questioned the requirement associated with paving a lot.
- Maria Burks spoke in support of the mobile food vendors and stated she had concerns with the hours of operation.
- Mirna Ruiz spoke of her concerns regarding the application fee and the timing for itinerant merchants, including those selling ice cream.
- Mia Rangel spoke in support of the mobile food vendors.
- Sergio Ruiz spoke in support of the mobile food vendors and stated his concerns regarding hours of operation.
- Bill Crow spoke in favor of the mobile food vendors and in opposition to the ordinance, stating there were too many existing ordinances.
- Norberto Perdinez spoke in opposition to the prohibition against chairs and covers, stating there is a need for shade.
- Rosa Gomez spoke of her concerns regarding moving every three hours.
- Esperanza Ortiz spoke of her concerns regarding moving periodically, stating it takes time to prepare, wash, and get the business ready for operation.

Public Portion of Hearing Closed

RECESS

At 8:54 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 9:07 p.m.

I. PUBLIC HEARINGS (Continued)

I-1 City Manager King stated the reference in the ordinance is for residential zoning and not a (Cont'd.) specific non-conforming residence. He also stated the lot can be paved as required with a variety of different surfaces and the application fee is anticipated to be between \$70 and \$100.

In response to Council Member Hansen, Mr. Wood confirmed that the three-hour moving requirement does not apply to vendors on private lots. Mr. Hansen stated he supports the tables and chairs for shade suggestion.

In response to Mayor Pro Tempore Mounce, Mr. Wood stated mixed uses would be addressed on an individual basis by examining the conditions of the property. Community Development Director Hatch stated notices were provided to the subject vendors, interested parties, and residences within the 300-foot circle radius around each of the 11 locations.

City Attorney Schwabauer provided clarifying language and suggested wording for Section 9.18.050(b)(9) regarding vending on private property.

Discussion ensued between Council Member Hansen, Mayor Pro Tempore Mounce, Mr. Hatch, and Mr. Schwabauer regarding the possibility of allowing tables and chairs and awnings for shade on an individual basis through the use permit process. City Attorney Schwabauer suggested language under Section 9 that would allow for consideration of these requests through the use permit process.

In response to Council Member Katzakian, Mr. Wood confirmed that the ten-minute moving requirement does not apply to private property operations.



MOTION / VOTE:

The City Council, on motion of Mayor Pro Tem Mounce, Hansen second, introduced, with the amended language of Section 9, Ordinance No. 1800 amending Lodi Municipal Code Title 9 – Public Peace, Morals, and Welfare – Chapter 9.18, “Vending on Streets and Sidewalks,” by repealing and reenacting Chapter 9.18, “Vending on Streets, Sidewalks, and Private Property.” The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

- I-2 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider resolutions adopting Final Engineer’s Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2007-08, and ordering the levy and collection of assessments.

City Manager King provided a brief overview of the subject matter.

Sharon Welch provided a brief presentation regarding the final Engineer’s Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2007-08.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, adopted the following resolutions:

- Resolution No. 2007-144 amending and/or approving the Final Engineer’s Annual Levy Report for the Lodi Consolidated Landscape Maintenance District No. 2003-1, Fiscal Year 2007-08; and
- Resolution No. 2007-145 ordering the levy and collection of assessments within the Lodi Consolidated Landscape Maintenance District No. 2003-1, Fiscal Year 2007-08.

The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

J. COMMUNICATIONS

- J-1 Claims Filed Against the City of Lodi – None

- J-2 The following postings/appointments were made:

- a) The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, made the following appointment and directed the City Clerk to post for the following vacancy by the vote shown below:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

APPOINTMENT:

Lodi Improvement Committee

Rosa (Rosie) M. Ortiz Term to expire March 1, 2008

POSTING:

Lodi Improvement Committee

Wade Heath

Term to expire March 1, 2008

J-3     Miscellaneous – None

K.     REGULAR CALENDAR

K-1     “Adopt Resolution Authorizing the City Manager to Execute a Downtown Hotel Exclusive Exploration Period Agreement with Russ Munson”

City Manager King provided an overview of the proposed agreement. Specific topics of discussion included the nine-month period to evaluate properties, interim and final reports, potential negotiations after the exploratory period, no obligations other than that stated in the agreement, no commitments for selling or leasing any property, former PKF study, examples of other cities, downtown synergy, and Mr. Munson's qualifications.

In response to Council Member Hansen, Mr. King stated the subject lots are on Church Street and Elm Street.

In response to Council Member Hansen, Mr. King stated the \$5,000 is not drawn down as it is a one-time, full amount cost for the services to be rendered.

Discussion ensued between Council Member Hansen, Mayor Pro Tempore Mounce, Mayor Johnson, City Manager King, and Mr. Munson regarding the possibilities associated with the old public safety building, including hotel and other commercial opportunities and parking. Council Member Hansen suggested not excluding the old public safety building site. Mayor Pro Tempore Mounce requested information about businesses in close proximity to police departments in other cities.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, adopted Resolution No. 2007-146 authorizing the City Manager to execute a Downtown Hotel Exclusive Exploration Period Agreement with Russ Munson. The motion carried by the following vote:

Ayes:    Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes:    Council Members – None

Absent: Council Members – Hitchcock

K-2     “Approve Downtown Lodi Business Partnership 2007-08 Annual Report, Adopt Resolution of Intent to Levy Annual Assessment, and Set Public Hearing for August 1, 2007”

City Manager King briefly introduced the subject matter and reviewed the process associated with the annual levy.

Jaime Watts, representative of the Downtown Lodi Business Partnership (DLBP), provided a brief presentation and specifically discussed the overview of the organization, functions, purpose, marketing events, the Farmers' Market, Parade of Lights, community events, banners, report, and the proposed calendar for the upcoming year.

In response to Council Member Hansen, Ms. Watts stated the organization has resolved a lot of the outstanding issues from October. Council Member Hansen suggested continuing communication between the businesses and the DLBP.

In response to Mayor Pro Tempore Mounce, Ms. Watts stated the compilation is available to the public. Mayor Pro Tempore Mounce suggested providing copies or making the availability of the information well known to the members.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Mounce second, approved the Downtown Lodi Business Partnership 2007-08 Annual Report, adopted Resolution No. 2007-147 of intent to levy annual assessment, and set Public Hearing for August 1, 2007. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

K-3 “Approve Six-Month Budgets for PCE/TCE Related Litigation Cases”

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Johnson second, approved the six-month budgets for the following PCE/TCE related cases: Hartford (\$300,000), M&P Investments (\$513,000), and Envision (\$670,000). The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

K-4 “Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases Being Handled by Outside Counsel (\$374,859.03)”

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, approved the expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of \$374,859.03, as detailed below. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Water Acct.
8001	102105	Apr-07	General Advice/Environmental Contamination	\$ 402.22
8002	102106	Apr-07	People v. M&P Investments	\$ 10,606.64
8003	102108	Apr-07	Hartford Insurance Coverage Litigation	\$207,048.19
			Contingency Fee Amount Savings	(147,180.00)
8008	102107	Apr-07	City of Lodi v. Envision Law Group	\$ 61,969.23
8002	102725	May-07	People v. M&P Investments	\$ 8,768.58
8003	102831	May-07	Hartford Insurance Coverage Litigation	\$229,494.83
			Contingency Fee Amount Savings	(172,310.00)
8008	102830	May-07	City of Lodi v. Envision Law Group	\$ 83,972.63
			City Attorney Adjustment	(352.00)
	266427	May-07	GeoTrans, Inc. (Jim Mercer)	\$ 2,980.00
		May-07	Clinton E. Miller (Expert)	\$ 12,003.39
			CM Approved Payment to Expert 6-22-07	(12,003.39)
		Jun-07	Clinton E. Miller (Expert)	\$ 2,652.00
	14890	Apr-June 07	PES Environmental, Inc. (Keith O'Brien)	\$ 11,192.08
	272549	5/28-7/01 2007	GeoTrans, Inc. (Jim Mercer)	\$ 5,044.00
<b>Total</b>				<b>\$304,288.40</b>

## Kronick Moskovitz Tiedemann &amp; Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	100351.7323	1211.182	Water Acct.
11233.001	232738	05/25/07	General Advice	\$ 105.50		
11233.026	232738	05/25/07	Lodi First v. City of Lodi	\$ 364.05		
11233.029	232738	05/25/07	AT&T v. City of Lodi	\$ 866.35		
11233.030	232738	05/25/07	Water Supply Issues- Not PCE Related			\$1,525.55
11233.032	232738	05/25/07	CFD Formation Credits/Overpayments Applied	(105.50)	\$ 566.24	
11233.029	233230	06/25/07	AT&T v. City of Lodi	\$1,375.13		
11233.030	233230	06/25/07	Water Supply Issues- Not PCE Related			\$ 587.50
11233.032	233230	06/25/07	CFD Formation		\$ 144.10	
11233.034	233230	06/25/07	Employment and Labor	\$ 245.00		
<b>Total</b>				<b>\$2,850.53</b>	<b>\$ 710.34</b>	<b>\$2,113.05</b>

## JAMS Mediation Services

				WaterAcct.
0001302222-110	5/31/2007	People v. M&P Investments		<u>\$2,016.67</u>
<b>Total</b>				<b>\$2,016.67</b>

## MISCELLANEOUS

Invoice No.	Date	Description	Water Account Amount
20065328	06/07/2007	Legalink, Inc.	\$ 284.25
20064828	05/24/2007	Legalink, Inc.	\$ 800.75
20064647	05/18/2007	Legalink, Inc.	\$ 906.00
20065305	05/25/2007	Legalink, Inc.	\$ 758.50
20064855	05/25/2007	Legalink, Inc.	\$ 970.50
20065211	06/05/2007	Legalink, Inc.	\$ 1,003.00
20065214	06/05/2007	Legalink, Inc.	\$ 1,093.00
07SF61474A	06/14/2007	Document Services Unlimited	\$ 2,191.50
07SF70508A	07/05/2007	Document Services Unlimited	<u>\$ 237.70</u>
<b>Total</b>			<b>\$ 8,245.20</b>

## Folger Levin &amp; Kahn – Invoices

Invoice No.	Date	Description	Water Acct.
			Amount
<b>Payment of Unpaid Costs re:</b>			
<b>Hartford v. City of Lodi</b>			
<b>Pursuant to Contingency Fee Agreement</b>			
100827	03/22/07	Costs for February 2007	\$ 5,762.50
101584	04/26/07	Costs for March 2007	\$ 6,112.90
102108	05/31/07	Costs for April 2007	<u>\$ 9,868.19</u>
<b>Total</b>			<b>\$ 21,743.59</b>

## Folger Levin &amp; Kahn

Matter No.	Invoice No.	Date	Water Acct. Amount
<b>Withheld Amounts from Previous Invoices</b>			
8008	10826	02/28/07	\$ 281.00
8002	100362	01/31/07	\$ 700.00
8003	100361	01/22/07	\$ 38.50
			\$ 220.00

*Continued July 18, 2007*

8002	100000	01/31/07	\$ 650.00
		01/31/07	\$ 650.00
		1/31/2007	\$ 650.00
8003	100001	01/31/07	\$ 1,623.50
8003	99380	02/28/07	\$ 8,000.00
8002	98563	11/16/06	\$ 487.50
			\$ 82.25
8003	98489	11/16/06	\$ 36.50
			\$ 235.00
8002	97985	10/19/06	\$ 3,440.00
8003	97988		\$ 470.00
			\$ 470.00
			\$ 240.00
8008			\$ 470.00
8002	97311	09/14/06	\$ 650.00
8003			\$ 5,000.00
8008	97312	08/31/06	\$ 560.00
8002		08/17/06	\$ 650.00
8003			\$ 500.00
			\$ 600.00
			\$ 150.00
			\$ 705.00
			\$ 235.00
8002		07/25/06	\$ 325.00
			\$ 650.00
			\$ 650.00
			\$ 325.00
			\$ 650.00
8003			\$ 325.00
			\$ 97.50
8002		06/27/06	\$ 97.50
8003		06/27/06	\$ 650.00
8002		05/11/06	\$ 975.00
		<b>Total</b>	<b>\$ 32,539.25</b>

L. ORDINANCES

None

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:22 p.m.

ATTEST:

Randi Johl  
City Clerk

**CITY OF LODI  
SPECIAL JOINT INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JULY 24, 2007**

A Special Joint Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council and the Lodi Budget/Finance Committee was held Tuesday, July 24, 2007, commencing at 7:00 a.m.

**A. ROLL CALL**

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson  
Absent: Council Members – None  
Present: Lodi Budget/Finance Committee Members – Alegre, Harris-Wall, Johnson, Roberts, and Kirsten  
Absent: Lodi Budget/Finance Committee Members – Domingo and Russell  
Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

**B. TOPIC(S)**

B-1 "Discuss Possible Topics to be Reviewed by Lodi Budget/Finance Committee During the Course of Fiscal Year 2007-08"

City Manager King briefly introduced the subject matter.

Deputy City Manager Krueger provided an overview of the Budget Committee recommendations to the City Manager as presented in the fiscal year 2007-08 budget document, "Recommendations from Sub-Committees." He also reviewed the recommendations regarding the energy cost adjustment, Parks and Recreation/Hutchins Street Square organizational review, Code Enforcement consolidation, financial system, mobile home rates, cable franchise fees, fleet replacement policies, economic development, community redevelopment agency, and capital improvements and deferred maintenance study.

In response to Mayor Pro Tempore Mounce, Mr. Krueger stated the minutes from the Committee's meetings will be provided to Council as requested.

In response to Council Member Hitchcock, Mr. King stated there is an ongoing process of reviewing fire overtime as there was some reduction in the 2007-08 budget, but not as much as had been anticipated. He stated some of the reasons may be that not all the positions were filled and there is an increase in the training budget. Mr. King stated they will continue to monitor planned overtime, training overtime, and operational overtime. He also stated special events time is being charged to an incremental line item to calculate a special events budget in the future.

Council Member Hansen stated he would like to see a detailed review of the fire overtime one year after all the positions have been filled to determine if the reduction in overtime did offset the additional personnel. Mr. Krueger stated the overall Fire Department budget is still in the context that it needs to be in regardless and the goal has been achieved in that respect.

In response to Mayor Johnson, Mr. Krueger stated the new AS400 computer software program will be delivered in approximately six weeks and implemented shortly thereafter.

In response to Mayor Johnson, Dave Kirsten stated the use of certain consultants in the redevelopment project was not warranted because there was no serious opposition to the redevelopment project.

In response to Mayor Johnson, John Johnson stated he was opposed to the \$50,000 consultant fee for the capital improvement piece because the Committee and staff are capable of making the list themselves.

In response to Mayor Johnson, City Manager King stated staff may still conduct an internal review of a selected department and/or function in conjunction with the Committee.

Council Member Hansen suggested the Committee could review the park maintenance program, potential sales tax for public safety, and Transient Occupancy Tax (TOT). Mr. Krueger stated the Parks and Recreation Department did make presentations to the Committee, a white paper was completed regarding public safety, which can be expanded on, and a review can be done regarding the TOT and any other potential revenue sources. He stated subcommittees analyzed some of the issues on their own time because staff time is limited.

In response to Mayor Johnson, Mr. King stated the results of the citizen survey will be presented at the July 31, 2007, Shirtsleeve Session. He also discussed the role of citizen advisory committees versus temporary professional expertise, the privatization of mid-management functions, and the process of information gathering and responses.

Discussion ensued between the City Council and the Committee regarding options available for review with respect to the redevelopment matter.

Discussion ensued between Council Member Hitchcock and City Manager King regarding the need for a consensus on what the Committee's charge is, previous redevelopment efforts and the related costs and consultants, possibility of an election and timing for the same, and the possible usage of the Committee to review a feasibility study for the project development area.

In response to Mayor Johnson, Mr. King stated he expected to use existing committees, rather than creating new committees, in connection with the redevelopment project.

In response to Mayor Johnson, Mr. King stated the Planning Commission will be necessarily involved because it has a statutory role.

**C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None

**D. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 8:22 a.m.

ATTEST:

Randi Johl  
City Clerk

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JULY 31, 2007**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, July 31, 2007, commencing at 7:00 a.m.

**A. ROLL CALL**

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

**B. TOPIC(S)**

B-1 "Presentation of the Results of the 2007 Lodi Citizen Survey"

City Manager King briefly introduced the subject matter of the citizen survey.

Thomas Miller of the National Research Center provided a PowerPoint presentation. Specific topics of discussion included, but were not limited to, survey background, primary purpose of survey, use of survey results, study methods, characteristics of residents, quality of life, community characteristics, mobility, access, safety from various problems and areas, potential problems, City services, public trust, importance of government projects, support of sales tax, support of greenbelt, conclusions, and possible next steps.

In response to Mayor Johnson, Mr. Miller stated the median income numbers, which are less than other cities' averages, could be reflective of the aging population because it is income that is measured, not wealth.

In response to Council Member Hansen, Mr. Miller stated the 2000 numbers were used because that was the last comparable data available from the Census. He stated the 2005 numbers may be a bit higher.

In response to Council Member Hansen, Mr. Miller stated the percentages in community characteristics are below the norm.

In response to Council Member Hitchcock, City Manager King reviewed the various documentation and survey reports that were provided to the City Council in analyzing the survey results.

In response to Council Member Hansen, Mr. Miller stated the average rate of 77 for safety in the parks during the day was below the norm, which was 80 or above. Mr. King stated the numbers could be lower in percentile but could be a part of the norm in overall statistics based on rank ordering.

In response to Mayor Johnson, Mr. Miller stated the survey results report and the normative report are not solely norm based and the outlined challenges were under the 22%.

In response to Council Member Hansen, Mr. Miller stated the money question was not asked in relation to the greenbelt issue because policy questions rarely include the dollar aspect.

In response to Council Member Hansen, Mr. Miller stated focus groups would be identified groups brought together at a neutral location to discuss topics of concerns. He provided an example of environmental justice focus groups brought together in Sacramento.



In response to Council Member Hansen, Mr. Miller stated the identified challenges are based both on norm comparisons and absolute numbers.

Council Member Hansen stated, while he would like to work on all the challenges, he believes the employee responsiveness and courtesy piece can be worked on soon under City Manager direction.

In response to Council Member Hansen, Mr. Miller stated most communities rate similarly with respect to street and sidewalk conditions.

In response to Council Member Hansen, Mr. Miller stated the identified challenges are specific to the City of Lodi.

In response to Council Member Hansen, Mr. Miller stated there are approximately 180 participants in this survey. He stated the comparative database includes both this survey and other surveys.

In response to Council Member Hansen, Mr. Miller stated this survey was a sample survey and not sent to all residents.

In response to Council Member Hansen, Mr. Miller stated jurisdiction size does not necessarily determine how many surveys go out. He stated the 1,200 number is used for all jurisdictions.

In response to Council Member Katzakian, Mr. Miller stated the 1,200 residents are picked anonymously utilizing data from the U.S. Postal Service and the only information obtained regarding the residents is that which they supply.

In response to Council Member Katzakian, Mr. Miller stated data from the California cities is separated.

In response to Council Member Hansen, Mr. Miller stated a 30% response falls within the typical response category of 25% to 40%.

In response to Council Member Katzakian, Mr. Miller stated the total general employees service question does not separate departments and includes any and all residents who have had any interaction with the City.

In response to Council Member Hansen, Mr. Miller stated he is not sure why more cities are not conducting citizen satisfaction surveys. City Manager King stated it is important to note that the quality of service provided by the City ranked 11% higher than the State and 14% higher than the federal government.

In response to Mayor Johnson, Mr. Miller stated the theory underlying the sampling survey technique is that we will obtain the same results even if everyone was surveyed.

In response to Mayor Johnson, Mr. King stated that, although they can review the data, it is very difficult to compare the current survey results to the previously conducted survey because the questions were untested and not standardized.

In response to Council Member Hansen, Mr. King stated he will be working with Council Member Hitchcock and Lodi Budget/Finance Committee Member Johnson on interpreting and incorporating the survey results.

PUBLIC COMMENTS:

- In response to Rick Gerlack, Mr. Miller stated the employee responsiveness question was broadly asked and could have to do with everything from how long it took to respond to a request to how long the phone rang. He stated the responses are not specific as each department may vary in responsiveness.

**C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None.

**D. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 8:30 a.m.

ATTEST:

Randi Johl  
City Clerk

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, AUGUST 1, 2007**

**C-1     CALL TO ORDER / ROLL CALL**

The City Council Closed Session meeting of August 1, 2007, was called to order by Mayor Johnson at 5:45 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian [excluding C-2(a)], Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

**C-2     ANNOUNCEMENT OF CLOSED SESSION**

- a) Actual Litigation: Government Code §54956.9(a); One Case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- b) Pursuant to Government Code §54956.9(c); Conference with Legal Counsel; Anticipated Litigation/Initiation of Litigation; One Potential Case; City of Lodi v. Pacific Gas & Electric
- c) Actual Litigation: Government Code §54956.9(a); One Case; County of San Joaquin v. City of Stockton et al., San Joaquin County Superior Court, Case No. CV029651
- d) Prospective Acquisition of Real Property Located at 541 East Locust Street, Lodi, California (APN 043-202-14); the Negotiating Parties are City of Lodi and Pete Perlegos; Government Code §54956.8

**C-3     ADJOURN TO CLOSED SESSION**

At 5:45 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 7:02 p.m.

**C-4     RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 7:02 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Items C-2 (a), C-2 (c), and C-2 (d), discussion was had and general direction given.

In regard to Item C-2 (b), City Attorney Schwabauer provided a brief description of the case and stated settlement authority was given in the amount of \$34,785.40.

**A.     CALL TO ORDER / ROLL CALL**

The Regular City Council meeting of August 1, 2007, was called to order by Mayor Johnson at 7:02 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

**B.     INVOCATION**

The invocation was given by Pastor Dale Edwards, Century Assembly.

**C.     PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Johnson.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Johnson presented a proclamation to Police Chief Jerry Adams and Crime Prevention Officer Andrea Patterson proclaiming Tuesday, August 7, 2007, as "National Night Out 2007" in the City of Lodi.

D-3 Presentations – None

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Mounce, Hansen second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$7,045,068.64.

E-2 The minutes of July 17, 2007 (Shirtsleeve Session) and July 19, 2007 (Special Joint Meeting w/RDA and Lodi Planning Commission) were approved as written.

E-3 Adopted Resolution No. 2007-148 authorizing the procurement of emergency generator from Holt of California (Caterpillar), of Stockton, in an amount not to exceed \$36,200 and approving the standardization of Caterpillar generators for the Electric Utility Department.

E-4 Adopted Resolution No. 2007-149 awarding the purchase of padmount transformers in the amount of \$200,330.96 to the bidders whose proposals and equipment meet City of Lodi specifications and whose transformers are expected to yield the lowest life-cycle costs.

E-5 "Adopt Resolution Awarding the Contract for Security Services at the Lodi Station and Lodi Station Parking Structure to Securitas Security Services USA, Inc., of Fresno (Estimated Three-Year Cost: \$198,000)" was **pulled from the agenda at the request of Council Member Hitchcock**.

E-6 Adopted Resolution No. 2007-150 awarding the contract for Citywide School Safety Signage Project to Farwest Safety, Inc., of Lodi, in the amount of \$81,918.50, and appropriating funds in the amount of \$88,000.

E-7 Accepted improvements under the "Domestic Outfall Sewer Pipeline Condition Assessment Project" contract.

E-8 Accepted improvements under the "Stockton Street Asphalt Concrete Resurfacing, Kettleman Lane to 1,000 Feet South of Century Boulevard Project" contract.

E-9 Adopted Resolution No. 2007-151 authorizing the City Manager to renew the agreement between San Joaquin County Data Processing and the City of Lodi Police Department for the estimated annual cost of \$10,358.92 for data processing services and access to the Automated Message Switching and Criminal Justice Information Systems.

E-10 Adopted Resolution No. 2007-152 authorizing the City Manager to execute a contract between the City of Lodi and Lodi Memorial Hospital for operation of the Adult Day Care Program and the Camp Hutchins Children's Day Care Program at Hutchins Street Square through August 2010 with extensions through 2012.

E-11 Adopted Resolution No. 2007-153 amending Traffic Resolution 97-148 by approving a reduction of speed limit on Lower Sacramento Road from south City limits to 1,300 feet south of Kettleman Lane from 55 miles per hour (mph) to 50 mph.

- E-12 "Adopt Resolution Amending Traffic Resolution No. 97-148 to Authorize the Public Works Director to Establish Terminal Access Routes" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-13 Adopted Resolution No. 2007-154 authorizing the City Manager to allocate \$42,000 in Public Benefit Program funds for the Lodi CARE Package Program and execute a contract with the Lodi Salvation Army to administer this program.
- E-14 Adopted Resolution No. 2007-155 authorizing the City Manager to allocate a combined \$39,971 in Public Benefit Program funds to extend for one year the Lodi LivingWise Program and the Lodi Solar Schoolhouse Project and execute contracts with the Resource Action Programs (Lodi LivingWise Program) and The Rahus Institute (Lodi Solar Schoolhouse Project) to assist in coordinating these educational programs.
- E-15 Adopted Resolution No. 2007-156 authorizing the City Manager to allocate Public Benefit Program funds to the following five energy efficiency rebate programs for the 2007-08 fiscal year in the amount of \$250,000:  
Lodi Appliance Rebate Program – \$35,000  
Lodi Energy Efficient Home Improvement Rebate Program – \$40,000  
Lodi G-1 Commercial Rebate Program – \$20,000  
Lodi G-2 Commercial Rebate Program – \$30,000  
Lodi G-3 to I-1 Commercial/Industrial Rebate Program – \$125,000
- E-16 "Adopt Resolution Adding a Position (Fire Plans Examiner) and Appropriating \$80,000 in the Community Development Department" was **pulled from the agenda by the City Manager.**
- E-17 "Adopt Resolution Amending Memorandum of Understanding between the City of Lodi and the Lodi Police Mid-Management Organization for the Period of July 1, 2007 through September 30, 2011" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-18 "Adopt Resolution Disbanding the Animal Shelter Task Force, Adopt Resolution Creating and Establishing Guidelines for the Lodi Advisory Animal Commission, and Directing the City Clerk to Post for the Seven Terms on the Newly Created Commission" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-19 Adopted Resolution No. 2007-157 approving the balance of the approved People Assisting Lodi Shelter (PALS) public art project and appropriating \$3,434.
- E-20 Set Public Hearing for September 5, 2007, to receive comments on and consider accepting the City of Lodi's Report on Water Quality relative to public health goals.

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ACTION ON ITEMS REMOVED FROM CONSENT CALENDAR

- E-12 "Adopt Resolution Amending Traffic Resolution No. 97-148 to Authorize the Public Works Director to Establish Terminal Access Routes"

Council Member Hitchcock requested discussion on the matter. City Manager King stated the California Highway Patrol is actively enforcing the prohibition of specific sizes of trucks on certain rights of way in the City. Mr. King stated this resolution is intended to accommodate the trucking businesses so that they can do business within the City while traveling at a certain speed on said rights of way.

In response to Council Member Hitchcock, Mr. King stated the proposed resolution is not changing anything and we will continue operating as we currently do.

In response to Council Member Hitchcock, City Engineer Sandelin stated that Turner Road to Highway 99 is a current truck route and there is no change to present conditions.

Council Member Hitchcock stated recommendations can be made by the Public Works Director, but she would still like to see approvals of the truck routes come to Council. Mayor Pro Tempore Mounce agreed with the same.

City Attorney Schwabauer suggested Section 8(d) of the proposed resolution be revised to include truck access through the City of Lodi.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, unanimously adopted Resolution No. 2007-158, as amended by City Attorney Schwabauer, amending Traffic Resolution No. 97-148, Weight Limit/Commercial Vehicle Restrictions, by adding Guild Avenue, Victor Road, and Turner Road to the list of approved truck access routes.

- E-17 “Adopt Resolution Amending Memorandum of Understanding between the City of Lodi and the Lodi Police Mid-Management Organization for the Period of July 1, 2007 through September 30, 2011”

Council Member Hitchcock stated she cannot support the item because she has many questions and concerns regarding the same.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, adopted Resolution No. 2007-159 amending Memorandum of Understanding between the City of Lodi and the Lodi Police Mid-Management Organization for the period of July 1, 2007 through September 30, 2011. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – Hitchcock

Absent: Council Members – None

- E-18 “Adopt Resolution Disbanding the Animal Shelter Task Force, Adopt Resolution Creating and Establishing Guidelines for the Lodi Advisory Animal Commission, and Directing the City Clerk to Post for the Seven Terms on the Newly Created Commission”

Council Member Hitchcock requested a presentation of the item.

Special Services Manager Jeannie Biskup provided an overview of the make-up and functions of the newly proposed commission. Specific topics of discussion included the purpose, membership, tasks, and meetings.

In response to Council Member Hitchcock, Mr. King stated there is an incremental cost to the formation of the proposed commission with staff time.

In response to Council Member Hansen, Ms. Biskup stated the meeting schedule will remain the same as the current Animal Shelter Task Force with meetings on the 2<sup>nd</sup> Monday of every month in the Community Room at the Police Department.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, unanimously adopted Resolution No. 2007-160 disbanding the Animal Shelter Task Force, adopted Resolution No. 2007-161 creating and establishing guidelines for the Lodi Advisory Animal Commission, and further directed the City Clerk to post for the following seven terms on the newly created commission:

Lodi Advisory Animal Commission

Term to expire December 31, 2008

Term to expire December 31, 2008

Term to expire December 31, 2009

Term to expire December 31, 2009

Term to expire December 31, 2010

Term to expire December 31, 2010

Term to expire December 31, 2010

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Robin Rushing spoke in opposition to an increase in his utility billing. In response to Council Member Hansen, Mr. Rushing stated he is already utilizing the discount program, for which he is qualified.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Mayor Pro Tempore Mounce reported on her attendance at the annual League of California Cities (LCC) Mayors and Council Members Conference and requested a Governmental Accounting Standards Board (GASB) 45 presentation. She also suggested staff take a look at the City-owned building on Elm Street.
- Council Member Hansen provided a legislative update regarding transit funds and stated the Electric Utility rating was upgraded.
- Mayor Johnson suggested staff review the timing associated with the encroachment permit process and commended individuals involved in volunteering with the animal shelter. He also spoke of a citizen concern regarding electric billing spikes and suggested an average pay program be offered. Electric Utility Director Morrow confirmed such a program was available through the City. Mayor Johnson also reported on his attendance at the annual LCC Mayors and Council Members Conference.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King stated GASB 45 was the topic of a previous Shirtsleeve Session and an additional one may be had. He stated staff will look at the building on Elm Street and explained that there are concerns regarding a Union Pacific telegraph line that is connected to the building in some manner. Mr. King also reported that the proposed State budget will not affect the City directly and provided an overview of Proposition 42, as well as the Standard & Poor's and Fitch ratings.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider the Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan. *NOTE: This item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31.*

Mayor Johnson and Council Member Hitchcock disclosed that they shared email correspondence with Kathy Haring.

City Manager King provided a brief overview of the subject matter.

Community Development Director Hatch provided a presentation regarding the proposed growth management allocations. Specific topics of discussion included, but were not limited to, previous growth actions, Planning Commission hearings and recommendations, two site reviews, application and allocation process overview, applications requiring annexations, Mr. Khan's property, the need for an environmental process and studies for the remaining property, General Plan amendment application, and the overall review of the two projects.

Hearing Opened to the Public

- Kathy Haring spoke of her concerns regarding the conditions set forth in the resolution, street lighting, and exemptions for properties. Mr. Hatch stated there is still an opportunity to address specific conditions through the final approval process before the Planning Commission. He also stated an exemption exists for properties in excess of 4,000 square feet.

Public Portion of Hearing Closed

In response to Mayor Pro Tempore Mounce, Mr. Hatch stated Ms. Haring's property does not meet the requirements for the exemption because it was zoned differently when it was annexed and the size of the development differs. He also stated the new General Plan amendment would not likely affect Ms. Haring's property.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously adopted Resolution No. 2007-162 approving the Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett and Kathy Haring and Taj Khan.

RECESS

At 8:08 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 8:17 p.m.

I. PUBLIC HEARINGS (Continued)

- I-2 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider adoption of resolution levying annual (2008) assessment for Downtown Lodi Business Improvement Area No. 1 and confirming the Downtown Lodi Business Partnership 2007-08 Annual Report (as approved by Council on July 18, 2007).

City Manager King provided a general overview of the process and history associated with levying the annual assessment for the Downtown Lodi Business Improvement Area.

Hearing Opened to the Public

- Paul Easley spoke in opposition to the proposed assessment, stating he has objected to the assessment from its inception, believes the assessment is illegal, and he does not receive any benefit from the improvements.

Public Portion of Hearing Closed

In response to Mayor Pro Tempore Mounce, City Manager King stated staff is not aware of any damage to the sidewalk referenced by Mr. Easley. Mr. King stated general repairs and/or improvements to a sidewalk are the responsibility of the property owner; although, the City may share the costs under some situations.

In response to Council Member Hitchcock, City Manager King stated Zone A is \$180 and Zone B is \$90 in one zone and other zones have differing fees as well.

In response to Mayor Pro Tempore Mounce, City Clerk Johl stated the subject property is zoned for a \$120 fee pursuant to a listing of the properties.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Hitchcock second, unanimously adopted Resolution No. 2007-163 confirming the 2008 Annual Report for the Downtown Lodi Business Improvement Area No. 1 and levy of assessment.



J. COMMUNICATIONS

- J-1 Claims Filed Against the City of Lodi – None  
J-2 Appointments – None  
J-3 Miscellaneous – None

K. REGULAR CALENDAR

- K-1 “Receive Progress Report on the City of Lodi General Plan Update”

City Manager King briefly introduced the subject matter.

Community Development Director Hatch provided a brief presentation regarding the status of the General Plan update. Mr. Hatch reviewed the flow chart and specifically discussed the stakeholder meetings, surveys, planning area, working papers, staff review, alternative and preferred plans, hearing draft, scoping meeting, draft Environmental Impact Report, public review, and final adoption process.

In response to Council Member Hitchcock, Mr. Hatch stated the 4% response rate on the City survey is typical for this type of survey.

In response to Council Member Hansen, Mr. Hatch stated staff tracks undeliverable surveys and Council will receive an analysis of the survey results at a later date. City Manager King stated this survey will not have the same scientific validity as the citizen satisfaction survey because this survey was mailed to everyone and does not take into account the random sampling factors.

MOTION / VOTE:

There was no Council action taken on this matter.

- K-2 “Consider Request from Van Ruiten Family Winery to Waive a \$40,000 Late Performance Charge Associated with the Opening of a Downtown Tasting Room”

City Manager King provided an overview of the requested waiver and discussed the performance and utility connection related terms of the original agreement as previously approved by the City Council.

In response to Council Member Hitchcock, City Manager King stated there was some correspondence during the 12-month period communicating the delays.

PUBLIC COMMENTS:

- Jim Van Ruiten spoke in favor of the proposed waiver, stating there was a delay in finding the appropriate building for the new business and in the process with the bank.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Hitchcock second, unanimously approved the request from Van Ruiten Family Winery to waive a \$40,000 late performance charge associated with the opening of a Downtown tasting room.

- K-3 “Adopt Resolution Declaring the City of Lodi’s Intent to Reimburse Certain Expenditures from Proceeds of Indebtedness for Wastewater Projects”

City Manager King briefly introduced the subject matter.

Deputy City Manager Krueger provided a presentation regarding the proposed resolution declaring the City’s intent to reimburse certain expenditures. Specific topics of discussion included, but were not limited to, the opportunity to look at additional financing, non-taxable application, interest rate breaks, how the reimbursement resolution will apply, incorporation

of the expenditures into the debt issue making it a tax-free issue, and the refund of \$9 million from the 1991 issue. City Manager King stated the proposed resolution is not binding to any future action. He stated the three pieces for consideration will be the refinancing of existing debt, the extension of the treatment plant, and costs of the replacement line.

In response to Mayor Johnson, Mr. Krueger stated about \$9 million will be refinanced and there are some additional proceeds available as well.

In response to Council Member Hitchcock, Mr. Krueger stated the reimbursement will become a part of the new debt.

In response to Council Member Hitchcock, Mr. King and Mr. Krueger stated capital expenditures are the main portion of the costs along with some administrative costs. They also discussed the availability of cash, the technical need to reimburse some expenditures, and the dates and timeline for the financing.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, unanimously adopted Resolution No. 2007-164 declaring the City of Lodi's intent to reimburse certain expenditures from proceeds of indebtedness for wastewater projects.

- K-4 "Authorize Funds from the Protocol Account for the City Council to Host a Reception Honoring Members of Council-Appointed Boards, Commissions, Committees, and Task Force Groups (Approximately \$2,600 / \$20 Per Person)"

City Clerk Johl provided a brief report regarding the proposed plan for the current reception and the history of the annual event.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously authorized funds from the Protocol Account in the amount of approximately \$2,600 (or \$20 per person) for the City Council to host a reception honoring members of Council-appointed boards, commissions, committees, and task force groups.

L. ORDINANCES

- L-1 Following reading of the title of Ordinance No. 1800 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 9 – Public Peace, Morals, and Welfare – Chapter 9.18, 'Vending on Streets and Sidewalks,' by Repealing and Reenacting Chapter 9.18, 'Vending on Streets, Sidewalks, and Private Property,'" having been introduced at a regular meeting of the Lodi City Council held July 18, 2007, the City Council, on motion of Mayor Pro Tempore Mounce, Johnson second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and  
Mayor Johnson

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – None

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:13 p.m.

ATTEST:  
Randi Johl  
City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
FRIDAY, AUGUST 3, 2007**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of August 3, 2007, was called to order by Mayor Johnson at 4:30 p.m.

Present: Council Members – Hansen, Hitchcock, Mounce, and Mayor Johnson

Absent: Council Members – Katzakian

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. CLOSED SESSION

At 4:30 p.m., Mayor Johnson adjourned the Special City Council meeting to a Closed Session to discuss the following matter:

B-1 Actual Litigation: Government Code §54956.9(a); One Case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658

The Closed Session adjourned at 5:05 p.m.

C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 5:05 p.m., Mayor Johnson reconvened the Special City Council meeting, and City Attorney Schwabauer disclosed that settlement direction was given.

D. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 5:05 p.m.

ATTEST:

Randi Johl  
City Clerk

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, AUGUST 7, 2007**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, August 7, 2007, commencing at 7:01 a.m.

**A. ROLL CALL**

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

**B. TOPIC(S)**

**B-1 "Presentation Regarding Freeway Commercial Overlay Zone"**

City Manager King briefly introduced the subject matter of the overlay zone.

Community Development Director Hatch provided a presentation regarding the Freeway Commercial Overlay Zone. Specific topics of discussion included the purpose, location, criteria, adoption process, environmental review process, time line for adoption, and a summary of the same.

In response to Council Member Hitchcock, City Manager King stated the item was brought to the Council so that staff can ascertain that Council wants to go in this general direction before additional time and energy are put into this effort. Mr. King stated the backdrop for the item is the sliding Transient Occupancy Tax (TOT) revenue. He also discussed the Holiday Inn Express certification and the interest of other businesses in the site.

In response to Mayor Pro Tempore Mounce, Mr. Hatch stated staff does anticipate doing the regative declaration in-house despite pending projects because it is an appropriate policy level study to advance with the Development Code.

In response to Council Member Hansen, City Manager King stated he has not received any direct information regarding the remodeling or demolishing of motels along the Cherokee corridor, only indirect random information. He also stated that another hotel may be looking for a site under a different brand.

In response to Council Member Hansen, Mr. Hatch stated medial offices or similar businesses can be accommodated in a C-2 zone if there is a demand for the same.

Council Member Hansen suggested maintaining the landscaping and street conditions in a manner that preserves the history of the City and of Cherokee Lane.

In response to Council Member Hitchcock, Mr. King stated the Cherokee Lane corridor will likely be a candidate for the redevelopment project area.

In response to Mayor Johnson, Mr. Hatch explained that spot zoning is an illegal mechanism in California wherein a particular parcel has more intense zoning than all surrounding parcels, the parcel does not conform to overall General Plan designation, and the standards are different from surrounding properties. He stated spot zoning was generally used to deal with particular situations that arose within communities where a single non-conforming use arose in a particular area.

In response to Mayor Johnson, Mr. Hatch explained that if a hotel wants to go into the old Plummer Cadillac site, as an example, and construct a four-story structure, a variance would likely be insufficient as a legal justification for a height increase based on the surrounding properties, but an overlay may provide some flexibility for the same.

In response to Mayor Johnson, Mr. Hatch stated height limitations are based on a floor area ratio analysis and the idea is to stay with the appearance and standards of the community. Mr. King stated private market standards with hotels seem to be at four stories and a policy question exists as to how the Council wishes migration to occur on Cherokee Lane.

In response to Mayor Johnson, City Manager King stated the redevelopment plan would be consistent with the City's land use plan.

In response to Council Member Katzakian, Mr. King stated the adoption for the redevelopment plan is anticipated to be in early to late 2009 with the base year starting in 2009.

Mayor Pro Tempore Mounce suggested proceeding with the overlay regardless of the redevelopment plan to promote free enterprise by allowing the hotels to move forward.

Discussion occurred between Mayor Johnson, Council Member Hansen, and City Manager King regarding the number of hotels needed in the City, non-brand hotels, examples of hotels in Tracy along the 99 corridor, and an overview of the hotel chains represented currently in Lodi.

In response to Council Member Hansen, Mr. Hatch stated Tiger Line may move forward but not necessarily with a four-story building.

In response to Council Member Katzakian, Mr. Hatch stated light industrial zoning does have a different standard for height, but it would be a policy decision to change the make-up of an established area.

In response to Mayor Johnson, Mr. Hatch stated there is infrastructure in place along the Cherokee Lane corridor and each parcel would need to be assessed on an individual basis to determine what needs may arise. He stated this is the primary reason for not doing a brand new C-2 zone overlay.

In response to Council Member Hitchcock, Mr. Hatch stated infrastructure is in place to accommodate some sites but not necessarily the entire corridor. He stated utilities and traffic analysis will also have to be done and the requests will be handled on a first-come, first-served basis.

In response to Council Member Hansen, Mr. King stated redevelopment is affected by the development in the corridor because the benefit of the tax increment is based on whatever the condition of the construction and/or property is.

In response to Mayor Pro Tempore Mounce, Mr. Hatch stated he is not sure who paid for the infrastructure in the alley when the Comfort Inn was built, but he will forward the information when he receives it.

Mayor Johnson stated he could support going ahead with the overlay.

Council Member Hansen stated he could support proceeding with the overlay and suggested staff look into accelerating the redevelopment project if possible.

Council Member Katzakian stated he could support proceeding with the overlay because of the benefit from TOT.

In response to Council Member Hitchcock, Mr. King stated this matter was originally a Development Code issue. He stated it will go through the Planning Commission, but it was important to assess Council direction regarding the advancement of the overlay separate from the General Plan amendment.

In response to Council Member Katzakian, Mr. Hatch stated a four-story structure could be permitted through the General Plan as a text amendment to allow a particular use along this type of a corridor. He stated it would require Planning Commission approval, consultant review for consistency, and an ordinance change that could be worked into the Development Code.

Council Member Hansen requested a staff analysis showing the TOT assessment decrease and the reasons for the same.

**C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None

**D. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 8:17 a.m.

ATTEST:

Randi Johl  
City Clerk